



3736
Atty. Docket No. SOM01 P329A

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Assistant Commissioner for Patents, Washington D.C. 20231, on the date indicated below.

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Kimberley Cousineau
Kimberley J. Cousineau

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3736
Applicant : Bruce J. Barrett et al.
Appln. No. : 09/807,676
Filed : July 12, 2001
Confirmation No. : 2249
For : **MULTI-CHANNEL NON-INVASIVE TISSUE OXIMETER**

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97(b)

Pursuant to 37 CFR §§1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed more than three months after the filing date of the above-referenced application but, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are submitted herewith along with Form PTO-1449. Applicants respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 16-2463.

Respectfully submitted,

BRUCE J. BARRETT ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton

March 6, 2002

Date

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